IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

MACA.No. 955 of 2007(B)

OPMV.1664/2004 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER IN OP(MV)

T.KAMMU, S/O KALANTHAN, AGED 46 YEARS,
RESIDING AT VENGALIKOD THAZHAM HOUSE,
MANKAVU POST, KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENTS IN OP(MV)
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1. MUNEER, S/O.SULAIMAN, AGED 23 YEARS,
RESIDING AT KAVUNGAL HOUSE, 25/1533,
POKKUNNU POST,KOZHIKODE.

2. THE NEW INDIA ASSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, SILVER PLAZA BUILDING,
I.G.ROAD, KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.No.955 OF 2007

Dated 25th June, 2007

JUDGMENT

Koshy,J.

Appellant/petitioner met with a motor accident by which he sustained injuries. The accident occurred when the scooter driven by him hit another scooter. Only F.I.R was filed. Charge sheet and scene mahazar were not filed. No oral evidence was adduced. In the absence of evidence, the Tribunal found 10% contributory negligence on the part of the appellant. The accident is the result of a head-on collision in a public road. Even though 50% negligence alleged to be on the claimant, only 10% was deducted for contributory negligence. Compensation was granted on the basis of evidence and Ext.C1 medical certificate. The total compensation calculated was Rs.76,300/= and after deducting 10% Rs.68,670/= was awarded with interest and cost. We see no ground to interfere with the award at the instance of the claimant.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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